

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

**DECLARATION OF BENJAMIN W.
HULSE IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS FOR FAILURE TO
COMPLY WITH PRETRIAL ORDER
NO. 14**

Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company ("3M") and Arizant Healthcare Inc. ("Arizant") (collectively "Defendants") in this litigation. I submit this declaration in support of Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit A are true and correct copies of the deficiency letters I sent on the dates indicated to counsel for the Plaintiff identified in Part B of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

3. Attached as Exhibit B are true and correct copies of the third deficiency letters I sent on the dates indicated to counsel for the Plaintiff identified in Part C of "Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14."

4. Attached as Exhibit C is a true and correct copy of my December 18, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

5. Attached as Exhibit D is a true and correct copy of my January 12, 2017 email to the Court with “Defendants’ PFS List 1: Overdue Plaintiff Fact Sheets,” “Defendants’ PFS List 2: Plaintiffs Who Have Not Responded to Defendants’ Deficiency Notices,” and “Defendants’ PFS List 3: Core Deficiencies Remained Following Notice and Response” attached to same.

6. Attached as Exhibit E are true and correct copies of the letters I received sent on the dates indicated from counsel for the Plaintiff in the Gruetzmacher (*17-cv-988*), Garcia (*17-cv-1017*), Husman (*17-cv-1139*), Pickens (*17-cv-1215*), Sparks (*17-cv-1250*), and Peters (*17-cv-1323*) matters.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 1st day of February, 2018.

s/ Benjamin W. Hulse
Benjamin W. Hulse